



ELECTRONICALLY FILED
 2018 Sep-21 PM 12:58
 9/21/2018 11:54 AM
 U.S. DISTRICT COURT
 58-SM-2018-000261-01
 N.D. OF ALABAMA
 CIRCUIT COURT OF
 SHELBY COUNTY, ALABAMA
 MARY HARRIS, CLERK

IN THE SMALL CLAIMS COURT OF SHELBY COUNTY, ALABAMA

ROBERT LEE HARGROVE, III,)

Plaintiff,)

v.)

Case No.: SM18-261

DIVERSIFIED CONSULTANTS, INC.,)

Defendant.)

NOTICE OF FILING OF NOTICE OF REMOVAL

TO: Clerk of Court
 Small Claim Court of Shelby County, Alabama
 112 North Main Street
 Columbiana, AL 35051

PLEASE TAKE NOTICE that defendant, Diversified Consultants, Inc. ("DCI"), has filed a Notice of Removal removing this action with the United States District Court for the Northern District of Alabama. A copy of the notice is attached hereto as **Exhibit 1**.

The removal of this action was authorized by 28 U.S.C. § 1446. The state court is now precluded from conducting any further proceedings unless and until the action is remanded from the United States District Court for the Northern District of Alabama.

Dated: September 21, 2018.

Respectfully submitted,

/s/ Laura C. Nettles

Laura C. Nettles (ASB-5805-S631)

Attorney for Defendant

Diversified Consultants, Inc.



OF COUNSEL:

LLOYD, GRAY, WHITEHEAD & MONROE

880 Montclair Road, Suite 100

Birmingham, Alabama 35213

Telephone: (205) 967-8822

Facsimile: (205) 967-2380

lettles@lgwpc.com

CERTIFICATE OF SERVICE

I hereby certify that September 21, 2018 a copy of the foregoing was served electronically via CM/ECF on the following:

Robert Lee Hargove III, Pro Se

1808 Summerchase Drive

Hoover, AL 35244

/s/ Laura C. Nettles

Of Counsel

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROBERT LEE HARGROVE, III,)
)
Plaintiff,)
)
v.)
)
DIVERSIFIED CONSULTANTS, INC.,)
)
Defendant.)

Case No.: _____

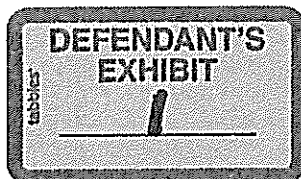
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 1367, Defendant, Diversified Consultants, Inc. (“DCI”), hereby removes the above-captioned civil action from the Shelby County Small Claims Court, State of Alabama, to the United States District Court for the Northern District of Alabama. The removal of this civil action is proper because:

1. Plaintiff, Robert Lee Hargrove, III (“Plaintiff”), filed suit in the Shelby County Small Claims Court, State of Alabama, captioned as *Robert Lee Hargrove III v. Diversified Consultants, Inc.*, Case No. SM18-261 (hereinafter the “State Court Action”), against DCI.

2. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, DCI removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The Summons with Notice in the State Court Action (hereinafter the “Notice”) asserts claims under the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*



4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original federal question jurisdiction over Plaintiff's FDCPA claims pursuant to 28 U.S.C. § 1331.

5. Pursuant to 28 U.S.C. § 1446(b), DCI has timely filed this Notice of Removal. DCI was served with the Notice on September 12, 2018. This Notice of Removal is being filed within 30 days from effective service of the Notice on DCI.

6. Attached hereto as **Exhibit A** and incorporated by reference as part of this Notice of Removal is a true and correct copy of the Summons with Notice and filings in the State Court Action. No further proceedings have taken place in the State Court Action.

7. A copy of this Notice of Removal is being sent concurrently to the Shelby County Small Claims Court, State of Alabama. *See Exhibit B*, attached hereto.

8. The Shelby County Small Claims Court, State of Alabama is located within the Northern District of Alabama. Therefore, venue for purposes of removal is proper because the United States District Court for the Northern District of Alabama embraces the place in which the removed action was pending. *See* 28 U.S.C. § 1441(a).

9. Removal of Plaintiff's State Court Action is proper under 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, Diversified Consultants, Inc. hereby removes the State Court Action to this Honorable Court.

Dated: September 21, 2018.

Respectfully submitted,

/s/ Laura C. Nettles

Laura C. Nettles (ASB-5805-S631)

Attorney for Defendant

Diversified Consultants, Inc.

OF COUNSEL:

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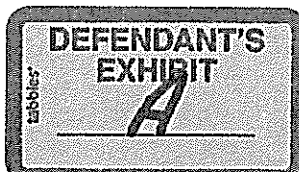
Hoover, AL 35244

/s/ Laura C. Nettles

Of Counsel

DOCUMENT 1

State of Alabama Unified Judicial System Form SM-1 (front) Rev. 3/95	STATEMENT OF CLAIM (Complaint) General	Case Number <u>Sm 18-261</u>
IN THE SMALL CLAIMS COURT OF <u>Shelby</u> <u>ALABAMA</u> <small>(Name of County)</small>		
<u>Robert Lee Hargrove III</u> v. <u>Diversified Consultants, Inc</u> Plaintiff Defendant		
Plaintiff's Home Address <u>1808 Summerchase Drive</u> <u>Hoover, Alabama 35244</u>	Defendant's Home Address <u>Registered Agent: John Crawford</u> <u>1200 RiverPlace Boulevard</u> <u>Jacksonville, Florida 32207</u>	
Plaintiff's Attorney's Address	Additional Defendant(s) and Addresses	
RECEIVED AND FILED MARY HARRIS SEP 07 2018 CIRCUIT & DISTRICT COURT CLERK SHELBY COUNTY		
NOTICE TO EACH DEFENDANT - READ CAREFULLY YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE. HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT, ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.		
COMPLAINT		
1. I claim the defendant owes the plaintiff the sum of \$ <u>1,000.00</u> because: <u>Collection agency continue NOT to validate a consumer reporting per my request for validation. Yet the agency continue to pursue collection activity. I am afforded consumer protection under the FDCPA 809 (b)</u>		
2. Plaintiff also claims from the defendant court costs in the sum of \$ <u>60.00</u> (see note below), plus \$ <u>0.00</u> for interest and \$ <u>0.00</u> for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)		
NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.		
CLERK'S ADDRESS: <u>MARY HARRIS</u> <u>CIRCUIT CLERK, SHELBY CO</u> <u>P.O. BOX 1810</u> <u>COLUMBIANA, AL 35051</u>		<u>[Signature]</u> Plaintiff or Plaintiff's Attorney (Signature) Attorney Code <u>205-937-6742</u> Plaintiff's or Plaintiff's Attorney's Phone Number
Clerk's Phone No. <u>668-3765</u>		
(See Instructions on the Back)		
Date of Filing _____		



DOCUMENT 1

Form SM-1 (back) Rev. 3/95

INSTRUCTIONS TO THE PLAINTIFFS

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his/her correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place.
2. To start your case you must file the completed form with the clerk assigned to Small Claims cases. The clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.
3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the clerk's office, to make sure that each defendant has been served.
4. If any of the defendants ask for a trial you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his/her Answer.
5. You are responsible to see to the enforcement of any judgment that is awarded to you. It is not the responsibility of the court or the clerk to collect the judgment for you.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized by Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama.

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant(s) named _____

and make proper return to this court.

Date

9/10/18

Clerk

M. H. Ham

By

KS

RETURN ON SERVICE:

Served on defendant(s) named _____

by delivering a copy of the Summons and Statement of Claim to him/her in _____

County, Alabama, on (Date) _____

Process Server Signature

Title of Process Server

This service by certified mail of this Summons and Statement of Claim is initiated upon the request of _____ pursuant to Rule 4.1.(c) of the Alabama Rules of Civil Procedure.

Date Requested _____

Date Mailed _____

Return Receipt Date _____

Clerk

By _____

DOCUMENT 1

2017 3040 0000 0440 6911

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 12.00
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Sent to
Diversified Consultants Inc
Street and Apt. No. or PO Box No.
Reg. Stated Agent: John Crawford
City, State, Zip+4

PS Form 3800, April 2015 PSN 7530-02-000-9017-0001 See Reverse for Instructions

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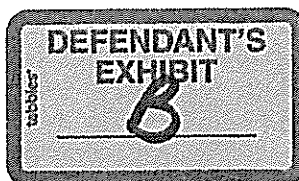
Respectfully submitted,

/s/ Laura C. Nettles

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Attorney for Defendant

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OF COUNSEL:

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